

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of:

Hanke *et al.*

ppl. No. 09/722,441

Filed: November 28, 2000

For: **Increased Lysine Production by
Gene Amplification**

Art Unit: 1645 #4

Examiner: To Be Assigned

Atty. Docket: 1533.1030002/SRL/SEZ

Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each of these documents is provided.

Document AN1 (WO 00/63388) is in a foreign language. Document AN1 has an English language abstract appearing thereon. Document AS9 is also an English language abstract of document AN1. Document AN1 is believed to disclose a DNA encoding an aspartokinase which originates in a corynebacterium, having a 311-Thr substitution of the wild-type 421 residue amino acid sequence, with the removal of the synergistic feedback inhibition by L-lysine and L-threonine.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be

prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449 and indicate in the official file wrapper of this patent application that the documents have been considered.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

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